

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Lo, *et al.*

Confirmation No.: 2026

Group Art Unit: 2419

Serial No.: 10/708,027

Examiner: Houshmand, Hooman

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TKHR Ref: 251812-1220

Client Ref: 92A-092US

Title: Method for Fragmenting an Incoming
Packet into a First Outgoing Packet and
a Second Outgoing Packet

SUMMARY OF TELEPHONE INTERVIEW WITH EXAMINER

Sir:

Applicants wish to thank the Examiner for discussing this matter by phone with Applicants' representative, Jeffrey Hsu (Reg. No. 63,063) on April 12, 2010. During the interview, the Examiner maintained that claim 1 is too broad in its present form. Applicants, however, disagreed and submitted that the McCullough reference fails to disclose or suggest the feature "wherein the remaining portion corresponds to a majority of the payload of the incoming packet," as recited in claim 1.

In view of the Examiner's clarifying remarks (in the FINAL Office Action), Mr. Hsu pointed out that McCullough still does not disclose the feature above in claim 1. As set forth in the prior response, McCullough discloses that the maximum fragment size allowed to be transmitted by a machine can be set (or tuned) to correspond to the smallest MTU of all networks likely to be encountered between the machine and a final destination.

Mr. Hsu pointed out that McCullough does not disclose or suggest that a portion of a payload transmitted in **a second outgoing packet** (after transmission of a first outgoing packet containing a portion of the payload) corresponds to the **majority of the payload**. Rather, McCullough simply discloses that packet fragment size is able to be

tuned. As we also argued in the last response, McCullough, in fact, explicitly states that “[s]tandard IP fragmentation is used in the present invention.”

Unfortunately, no agreement was reached in the interview, and Applicants have filed a pre-appeal request for review.

Respectfully submitted,

/Daniel R. McClure/

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